

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERCER HEALTH & BENEFITS LLC,

Plaintiff,

-against-

WILLIAM J. BROWN, JAMES HORRELL,
KENNETH BOSTER, JR., MARK THOMPSON,
MATTHEW HELMS, ALDEN DAVENPORT,
JACOB DAVIS, CHAD DAWKINS, TRINETTE
SMALL, MARGARET HUNT, AMANDA
HAMMONDS, and MIDWEST SERIES OF
LOCKTON COMPANIES, LLC,

Defendants.

Case No.: 22-cv-03844 (PGG)(JLC)

**STIPULATED PERMANENT
INJUNCTION**

PAUL G. GARDEPHE, U.S.D.J.

Plaintiff Mercer Health & Benefits LLC ("Mercer") brings this action against Defendants William J. Brown; James Horrell; Kenneth Boster, Jr.; Mark Thompson; Matthew Helms; Alden Davenport; Jacob Davis; Chad Dawkins; Trinette Small; Margaret Hunt; Amanda Hammonds (together, the "Individual Defendants"); and the Midwest Series of Lockton Companies, LLC (the "Midwest Series") for breach of contract, breach of fiduciary duties, tortious interference with existing and prospective business relationships, and misappropriation of confidential information. The Court issued a Temporary Restraining Order on May 25, 2022, that included certain preliminary injunctive relief as set forth therein ("the May 25, 2022 TRO").

On consent of the parties, in order to resolve disputed claims, and without any admission of liability by any party, the Court issues this Permanent Injunction, which supersedes the Court's May 25, 2022 TRO:

Subject to the provisions of the Parties' Confidential Settlement and Release Agreement, the Individual Defendants, the Midwest Series, and any person or entity acting in concert with any

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of them or under the supervision of any of them, are enjoined, until April 14, 2023, from directly or indirectly, whether by phone, in person or electronic means, soliciting or servicing, or inducing not to place health and welfare benefits business with Mercer, any accounts of Mercer identified on Exhibit C to the Parties' Confidential Settlement and Release Agreement ("the Restricted Accounts"); provided however, that for avoidance of doubt, (i) any of the Accounts identified on Exhibits B and D to the Parties' Confidential Settlement and Release Agreement shall not be considered Restricted Accounts for the purposes of this Permanent Injunction; and (ii) in the event any Restricted Account initiates business contact with any of the Individual Defendants or the Midwest Series, or any person or entity acting in concert with any of them or under the supervision of any of them, whether by phone, in person or electronic means, prior to April 14, 2023, the Individual Defendants and/or the Midwest Series shall not, directly or indirectly, solicit the Restricted Account nor induce the Restricted Account not to place health and welfare benefits business with Mercer.

The Court shall retain jurisdiction over this matter throughout the term of this injunction. The prevailing party shall be entitled to recovery of all reasonable sums and costs, including attorneys' fees, incurred in the event of an alleged violation of this Order.

SO STIPULATED AND AGREED.



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JUL
Dated: June 17, 2022

JUL
Dated: June 17, 2022

Lyle

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Memo Endorsed: The Clerk of Court is directed to close this case. Any pending dates and deadlines are adjourned sine die, and any pending motions are moot.

SO ORDERED:

Paul G. Gardephe

Hon. Paul G. Gardephe

Dated: July 21, 2022

Dated: June 17, 2022

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